

05-*R*-0436

Entered - 01/02/04 - sb
CL04L0006 - DIANNE C. MITCHELL

CLAIM OF: **BRIDGETT SWANSON AND
JAMES HICKLIN**
3667 Calmer Circle
East Point, Georgia 30344

For damages alleged to have been sustained as a
result of the delay in the City's purchase of their
property located at 630 and 634 Simpson Street.

THIS ADVERSED REPORT IS APPROVED

BY:



JERRY L. DELOACH
DEPUTY CITY ATTORNEY

CONSENT AGENDA

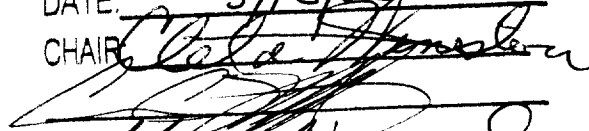
ADVERSE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE:

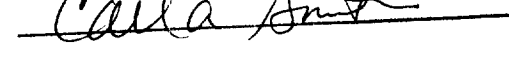
3/15/05

CHAIR:









ADVERSE REPORT
MAR 2 1 2005

ADVERSE REPORT
MAR 2 1 2005

ADVERSE REPORT
MAR 2 1 2005



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

March 24, 2005

Bridgett Swanson and
James Hicklin
3667 Calmer Circle
East Point, GA 30344

05-R-0436

Dear Mr. Swanson & Mr. Hicklin:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on March 21, 2005. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Sincerely,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 04L0006

Date: February 17, 2005

Claimant /Victim BRIDGETT SWANSON AND JAMES HICKLIN

BY: (Atty) _____

Address: 3667 Calmer Circle, East Point, Georgia 30344

Subrogation: _____ Claim for Property damage \$ 15,640.12 Bodily Injury \$ _____

Date of Notice: 01/02/04 Method: Written, proper X Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 09/03 Place: 630 and 634 Simpson Street

Department Planning & Neighborhood Development Division: _____

Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimants allege they were damaged due to the City's delay in the purchase of their property. However, the closing for the purchase of the claimants' property was held on January 30, 2004 at which time the property was purchased by the City.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____

Pictures _____ Diagrams _____ Reports: Police _____ Dept Report _____ Other _____

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____

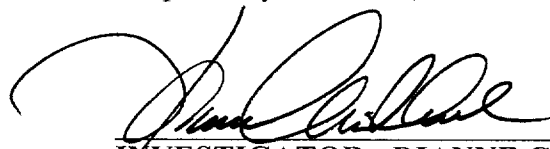
Improper Notice _____ More than Six Months _____ Other X Damages reasonable _____

City not involved _____ Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

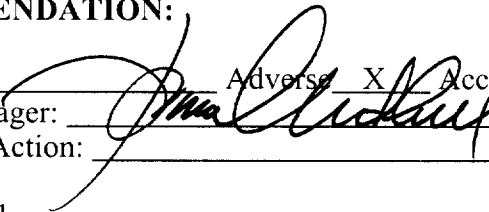
Respectfully submitted,



INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____ 2P01 _____

Claims Manager:  Concur/date 03/03/05

Committee Action: _____ Council Action _____

RCS# 6559
3/21/05
2:26 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PG 4-16 EXCEPT
05-R-C499 04-O-2111
ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 2

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	B Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	B Sheperd	NV Borders

CONSENT I